

## UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

2018 JUN 29 AM 9:57

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WESTERN DIST. OHIOIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Case No.

3:18mj476

FEDEX PARCEL, TRACKING NUMBER 781630451460,  
ADDRESSED TO DAVID QUEEN AT 4530 QUEENS  
AVENUE, DAYTON, OHIO 45406

## APPLICATION FOR SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

FEDEX PARCEL, TRACKING NUMBER 781630451460, ADDRESSED TO DAVID QUEEN AT 4530 QUEENS  
AVENUE, DAYTON, OHIO 45406

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

CONTROLLED SUBSTANCES, MATERIALS AND DOCUMENTS REFLECTING THE DISTRIBUTION OF  
CONTROLLED SUBSTANCES THROUGH FEDEX, INCLUDING MONEY AND/OR MONETARY INSTRUMENTS  
PAID FOR CONTROLLED SUBSTANCES

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

21 USC 841/846

possession of controlled substances/conspiracy to possess controlled substances

The application is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date:

6/29/18

City and state: DAYTON, OHIO

Robert M. Buzzard

Applicant's signature

SA ROBERT BUZZARD, FBI

Printed name and title

Michael J. Newman

Judge's signature

MICHAEL J. NEWMAN, U.S. MAGISTRATE JUDGE

Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION**

I, Robert Buzzard, hereby duly sworn, declare and state:

**INTRODUCTION**

1. I am a Special Agent (“SA”) of the Federal Bureau of Investigation (“FBI”), assigned to the Cincinnati Division, Dayton, Ohio Resident Agency. I therefore am an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 21 U.S.C. § 878. Moreover, I am an “investigative law enforcement officer” within the meaning of 18 U.S.C. § 2510.

2. I have served as an FBI SA since January 2002. During May 2002, FBI assigned me to its Cincinnati Division, Dayton Resident Agency and I currently serve on the Southern Ohio Safe Streets Task Force (SOSSTF). Since that time, I have participated in investigations involving narcotics trafficking and have received specialized training on the subject of narcotics trafficking and money laundering from the FBI. I have been personally involved in investigations concerning the possession, manufacture, distribution, and importation of controlled substances, as well as methods used to finance drug transactions.

3. Based on my training and experience – including my participation in the investigations referenced above – as well as discussions and interactions with other experienced FBI SA’s, Task Force Officers (“TFO”), and narcotics investigators, I am familiar with the manner in which Mexican drug trafficking organizations and their customers in the United States smuggle, safeguard and distribute narcotics and then collect as well as launder the proceeds therefrom. I am also aware that Mexican drug trafficking organizations and their customers utilize the U.S. Postal Service, FedEx, and United Parcel Service (UPS) to mail illegal narcotics to customers throughout the United States. This delivery technique is more cost-effective than paying drug couriers to drive narcotics long distances and risk being interdicted by law enforcement.

**PURPOSE OF AFFIDAVIT**

4. This affidavit is in support of a search warrant for the following property, namely a package associated with FedEx:

- a. **FedEx parcel, Tracking Number 781630451460, addressed to David Queen at 4530 Queens Avenue, Dayton, Ohio 45406.**

This affidavit is made in support of a warrant to search the package for evidence of a crime as well as contraband, fruits of a crime or other items illegally possessed in relation to the following offenses:

- Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 841, and
- Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 846.

Because this affidavit is submitted in support of the application of the United States to search the parcel, it does not include every fact known concerning this investigation, I have set forth facts and circumstances that I have relied upon to establish probable cause to justify the issuance of a warrant to search the above-described parcel.

**PROBABLE CAUSE**

5. On or about June 27, 2018, I met with an individual, hereinafter referred to as Confidential Source One (CS1). CS1 has provided me information in the past, which has been corroborated by independent investigation and proved truthful and reliable. CS1 is currently providing me information for consideration in a pending drug trafficking investigation.

6. CS1 reported he/she was recently part of a Drug Trafficking Organization (DTO) operating in the Dayton, Ohio area. CS1 advised members of the Dayton DTO are being supplied heroin, fentanyl, and crystal methamphetamine from a DTO based in Mexico. The Mexican DTO ships the illegal narcotics to Dayton, Ohio via the mail and other means of vehicle transportation.



7. On June 27, 2018, I was present when CS1 contacted two members of the Mexican DTO via cell phone. CS1 advised the Mexican DTO members reside in Nogales Mexico. During their conversations (overheard by Affiant), CS1 and the Mexican DTO members discussed payment for previously delivered illegal narcotics as well as a current shipment of heroin/fentanyl destined for Dayton, Ohio. CS1 was not provided specifics on where the shipment of heroin/fentanyl would be sent but was told the shipment would be in Dayton, Ohio on June 28, 2018.

8. On June 28, 2018, CS1 again spoke with the Mexican DTO members via cell phone. CS1 was told the shipment of heroin/fentanyl had been mailed to 4530 Queens Avenue, Dayton, Ohio and was expected to be delivered by June 29, 2018. The Mexican DTO members indicated to CS1 the shipment contained two to three kilograms of illegal narcotics. They requested CS1 provide payment of \$90,000 once the shipment is received.

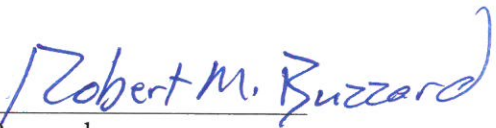
9. I contacted a security representative from FedEx and learned there was an approximate six-pound parcel, tracking number **781630451460**, destined for 4530 Queens Avenue, Dayton, Ohio. The parcel had been shipped from Nogales, Arizona (U.S. border city to Nogales Mexico) on June 28, 2018 and was scheduled to be delivered on June 29, 2018 by 10:30 a.m. Prior to delivery, the parcel would be held at the FedEx facility located at 3605 Concorde Drive, Vandalia, Ohio 45377.

10. On June 29, 2018, I requested the assistance of Montgomery County Sheriff's K9 Deputy Herb Thornton and his State of Ohio drug certified K9 partner Gunner. Deputy Thornton and K9 Gunner responded to the FedEx facility at 3605 Concorde Drive, Vandalia, Ohio and conducted a free air sniff on the FedEx parcel, tracking number **781630451460**. K9 Gunner gave a positive alert to the odor of narcotics on the FedEx parcel.

**CONCLUSION**

11. Based on the facts set forth in the Affidavit, I believe there is probable cause that evidence associated with the above listed drug trafficking offenses are located within

- a. **FedEx parcel, Tracking Number 781630451460, addressed to David Queen at 4530 Queens Avenue, Dayton, Ohio 45406.**

  
Robert Buzzard  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed before me on this  
29<sup>th</sup> day of June, 2018.

  
MICHAEL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

